or contestation, of an order for the appointment of a committee to deprive the person of his property. It is only prima facie evidence of insanity—admissible, but not conclusive. The party has right to contest it. The finding of the inferior tribunal can not bar the right of the party to contest the charge of insanity and prevent the appointment of a committee. The two proceedings are distinct. Harrison *v.* Garnett, 86 Va. 763, 11 S. E. 123. Therefore he must have notice, because he has a right to meet and defeat the prima facie case made by the finding of the justice."

Criminal Law—Former Jeopardy—Conviction of Higher Offense on Second Trial.—In Trono *v.* United States, 26 Supreme Court 121, the Supreme Court of the United States held that where an accused was tried on a charge of murder and convicted of an assault by a court of the first instance of the Phillipine Islands and the case was appealed to the Supreme Court of the Islands and the judgment was reversed and the accused was convicted of murder in the second degree, the later conviction was not in violation of a legislative provision against double jeopardy.

This case is interesting in that it is the first expression of the Supreme Court of the United States upon this subject. Mr. Justice Peckham, in delivering the opinion of the court, said that the question thus presented was the same as the question whether the accused upon a new trial accorded him in the federal courts could be again tried for the greater offense set forth in the indictment or must the trial be confined to that offense of which the accused had been previously convicted, and which conviction had, upon his own motion, been set aside and reversed by the higher court.

Four of the justices, including the chief justice, dissented, and Mr. Justice McKenna filed a strong dissenting opinion in which he summarized the authorities of the different states on the question, saying: "Opposed to it (the judgment in question) is the general consensus of opinion of American text books on criminal law and the overwhelming weight of American decided cases." And in a marginal note the following summary is given of cases taking the view contrary to that held by the majority:

"**Alabama.**—Bell *v.* State, 48 Ala. 684, 17 Am. Rep. 40; Berry *v.* State, 65 Ala. 117; Sylvester *v.* State, 72 Ala. 201.

California.—People *v.* Gilmore, 4 Cal. 376, 60 Am. Dec. 620; People *v.* Apgar, 35 Cal. 389; People *v.* Gordon, 99 Cal. 227, 33 Pac. 901.

Florida.—Johnson *v.* State, 27 Fla. 245, 9 So. 208; Golding *v.* State, 31 Fla. 262, 12 So. 525.

Illinois.—Brennan *v.* People, 15 Ill. 511; Barnett *v.* People, 54 Ill. 325.

Iowa.—State *v.* Tweedy, 11 Iowa 350; State *v.* Helm, 92 Iowa 540, 61 N. W. 246.

Louisiana.—State *v.* Dennison, 31 La. Ann. 847; State *v.* Victor, 36 La. Ann. 978.

Michigan.—People *v.* Knapp, 26 Mich. 112, 114; People *v.* Comstock, 55 Mich. 405, 407, 21 N. W. 384.

Minnesota.—State *v.* Lessing, 16 Minn. 75, Gil. 64.

Mississippi.—Morris *v.* State, 8 Smedes & M. 762; Hurt *v.* State, 25 Miss. 378, 59 Am. Dec. 225.

Missouri.—Prior to alteration effected by constitutional amendment of 1875, as to which see State *v.* Simms, 71 Mo. 538, in State *v.* Ross, 29 Mo. 32; State *v.* Kattleman, 35 Mo. 105; State *v.* Brannon, 55 Mo. 63, 17 Am. Rep. 643.

New York.—Prior to alteration effected by the Code of Procedure as to which see People *v.* Palmer, 109 N. Y. 413, 4 Am. St. Rep. 477, 17 N. E. 213, in Guenther *v.* People, 24 N. Y. 100; People *v.* Dowling, 84 N. Y. 23, 30, 17 N. E. 135.

Oregon.—State *v.* Steeves, 29 Or. 85, 43 Pac. 947.

Tennessee.—Campbell *v.* State, 9 Yerg. 333, 30 Am. Dec. 417; Slaughter *v.* State, 6 Humph. 410, 415.

Texas.—Jones *v.* State, 13 Tex. 168, 62 Am. Dec. 550.

Virginia.—Before alteration by statute, as to which see Briggs *v.* Com., 82 Va. 554, doctrine enforced in Stuart *v.* Com., 28 Gratt. 950. Reinstated by later statute, as to which see Forbes *v.* Com., 90 Va. 550, 19 S. E. 164, and Benton *v.* Com., 91 Va. 782, 21 S. E. 495.

Washington.—State *v.* Murphy, 13 Wash. 229, 43 Pac. 44.

Wisconsin.—State *v.* Martin, 30 Wis. 216, 11 Am. Rep. 567; State *v.* Hill, 30 Wis. 416; State *v.* Belden, 33 Wis. 120, 14 Am. Rep. 748. But not in cases of misdemeanors. Rasmussen *v.* State, 63 Wis. 1, 22 N. W. 835.

Georgia.—Owing to constitutional provisions, and by statute in the states of Indiana, Kansas, and Kentucky, when a new trial is granted on motion of an accused, he may be tried again for the greater offense of which he was acquitted on the first trial. Morris *v.* State, 1 Blackf. 37; Veatch *v.* State, 60 Ind. 291; State *v.* McCord, 8 Kan. 232, 12 Am. Rep. 469; Com. *v.* Arnold, 83 Ky. 1, 4 Am. St. Rep. 114." See also, note, 10 Va. Law Reg. 420; Sec. 3894, Va. Code 1904, and note.

Attachment of Goods for Which a Negotiable Document of Title Is Outstanding.—At common law the title to goods in the possession of a bailee could not be transferred without attornment. Rich *v.* Alfred, 6 Mod. 216. As that rule interfered with the freedom of commerce, bill of lading and warehouse receipts became, by the custom of merchants, representatives of the goods, and their transfer had the same effect as the delivery of the goods themselves in passing the transferrer's interest. See Benjamin, Sales, 7th Ed., Secs. 815, 817. When the custom of merchants was incorporated into the law,